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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,044	07/16/2003	Mitsuru Kano	9281/4606	2263
7590 10/04/2005				
Brinks Hofer Gilson & Lione P.O. Box 10395 Chicago, IL 60610		EXAMINER KIM, RICHARD H		
		ART UNIT PAPER NUMBER		
		2871		

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/622,044	Applicant(s) KANO ET AL.	
	Examiner Richard H. Kim	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-34 is/are pending in the application.
- 4a) Of the above claim(s) 5,17,26 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-16,18-25,27 and 29-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3, 4, 6-12, 16, 19-24, 27, and 30-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobashi (US 6,837,107 B2).

Referring to claims 1 and 21, Kobashi discloses a device comprising an active matrix substrate comprising a plurality of scanning lines (3a); a plurality of signal lines (6a) intersecting the scanning lines, switching elements (TFT) provided near the respective intersections of the scanning lines and the signal lines, an insulating layer (5a) covering the scanning lines, the signal lines and the switching elements, and pixel electrodes (9a) electrically connected to the respective switching elements through multiple contact holes formed in the insulating layer (6b, 6a), each of the pixel electrodes is a diffusively reflective electrode (9a); a counter substrate

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(100) having a counter electrode (21) facing the pixel electrode (9a); and a light modulating layer (50) held between the active matrix substrate (10) and the counter substrate (100); wherein the contact holes are masked in a plan view (23).

Referring to claim 3, Kobashi discloses a device wherein the insulating layer has light diffusion recesses, and each diffusively reflective electrode is disposed in each of the recess and has a shape conforming to each recess (Fig. 5, ref. 7).

Referring to claim 4, Kobashi discloses a device further comprising a shielding layer provided on one of the active matrix substrate and the counter substrate, for masking the contact holes in a plan view (Fig. 5, ref. 23).

Referring to claim 6, Kobashi discloses a plurality of contact holes arranged in a length direction of one of the scanning lines and the signal lines (Fig. 5, ref. 6a, 6b).

Referring to claim 7, Kobashi discloses a device wherein each of the switching elements comprises a thin film transistor comprising a gate electrode extending from the corresponding scanning lines (Fig. 5, ref. 3a), a source electrodes disposed on the gate insulating layer to extend from the corresponding signal line (Fig. 5, ref. 6a), and a drain electrode electrically connected to the pixel electrode through the contact holes formed in the gate insulating layer (Fig. 5, ref. 6b), and wherein the drain electrode has an extension extending from a portion positioned above the gate electrode toward one of a scanning line side and a signal line side so that the contact holes are connected to the extension (6b).

Referring to claim 8, Kobashi discloses a device wherein at least one switching element comprises a thin film transistor (TFT), a gate electrode (3a), and a drain electrode (6b), the drain electrode (6b) has an extension extending from a portion of the drain electrodes positioned above

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the gate electrode, and the extension of the pixel electrode is connected to the drain electrode through multiple contact holes (6b).

Referring to claim 9, Kobashi discloses a device wherein the contact holes are aligned substantially along a direction of the scanning lines and the signal lines (6a, 6b).

Referring to claim 10, Kobashi discloses a device wherein the contact holes are adjacent to the scanning lines associated with at least one switching element (6b).

Referring to claims 11, 22 and 23, Kobashi discloses a device comprising multiple contact holes aligned substantially along a direction of and adjacent to the scanning lines (Fig. 3).

Referring to claim 12 and 24, Kobashi discloses a device comprising at least one switching element comprising a thin film transistor (TFT), a gate electrode (3a), and a drain electrode (6b), the drain electrode has an extension extending from a portion of the drain electrode positioned above the gate electrode, the extension of the pixel electrode is connected to the drain electrode through the contact holes, and the contact hole is adjacent to the scanning line associated with the at least one switching element (Fig. 3).

Referring to claims 19 and 30, Kobashi discloses a device comprising an alignment film (12) contacting the pixel electrodes (9a).

Referring to claims 20 and 31, Kobashi discloses a surface of the alignment film in contact with the light modulating layer is substantially planar (Fig. 4, ref. 12).

Referring to claim 32, Kobashi discloses a device comprising an active matrix substrate (10) comprising a plurality of scanning lines (3a), a plurality of signal lines intersecting the scanning lines (6a), switching elements provided near the respective intersections of the scanning

lines and the signal lines (TFT), and insulating layer (5a) covering the scanning lines, the signal lines and the switching elements, and diffusively reflective pixel electrodes (9a) electrically connected to the respective switching elements through contact holes (6b) formed in the insulating layer, each pixel electrodes and switching element connected through a contact hole, each switching element comprising a thin film transistor (TFT), a gate electrode (3a), and a drain electrode (6a), the drain electrode has an extension extending from a portion positioned above the gate electrode, the extension of the pixel electrode is connected to the drain electrode through a contact hole (6b), and the contact hole is adjacent to the scanning line associated with the switching element; a counter substrate having a counter electrode facing the pixel electrodes (20); a light modulating layer (50) held between the active matrix substrate and the counter substrate; and a shielding layer provided between on one of the active matrix substrate and the counter substrate, the shielding layer masking the contact holes in plane view (23).

Referring to claims 33 and 34, Kobashi discloses a device comprising multiple contact holes connecting each switching element with the associated pixel electrode, wherein the multiple contact holes are aligned substantially along a direction of the scanning lines (Fig. 3).

Referring to claims 16 and 27, Kobashi discloses a device comprising a color filter layer containing color filter; and a shielding layer formed in regions in which the color filters are not formed (col. 10, lines 45-50), the shielding layer masking the contact holes from plan view (23)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobashi in view of Heguchi (US 6,292,237 B1).

Kobashi discloses the device previously recited, but fails to disclose that the drain electrode is substantially L-shaped in plan view.

Heguchi discloses a drain electrode substantially L-shaped in plan view (Fig. 1, ref. 9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made for the drain electrode to be substantially L-shaped in plan view since the portion of the generally L-shaped electrode extending over the gate line can serve as a cover for shielding stray light due to misalignment (col. 5, lines 17-19).

5. Claims 18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobashi in view of Ha et al. (US 6,697,138 B2).

Kobashi discloses the device previously recited, but fails to disclose that the color filter is on a separate substrate than the shielding layer.

Ha et al. discloses a device wherein the color filter is on a separate substrate than the shielding layer (col. 3, lines 22-28),

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It would have been obvious to one having ordinary skill in the art at the time the invention was made for the color filter to be on a separate substrate than the shielding layer since one would be motivated to increase luminance (col. 3, line 25).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-4 and 6-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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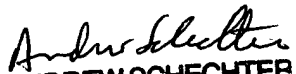
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard H. Kim whose telephone number is (571)272-2294. The examiner can normally be reached on 9:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard H Kim  
Examiner  
Art Unit 2871

RHK

  
ANDREW SCHECHTER  
PRIMARY EXAMINER